

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1, 3-6 and 8-14 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,948,183 to Peterka. The Examiner has further rejected claims 1, 3-6 and 8-14 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,415,438 to Blackketter et al. In addition, the Examiner has rejected claims 2 and 7 under 35 U.S.C. 103(a) as being unpatentable over Peterka in view of U.S. Patent Application Publication No. 2002/0056086 to Yuen. Furthermore, the Examiner has rejected claims 2 and 7 under 35 U.S.C. 103(a) as being unpatentable over Blackketter et al. in view of Yuen.

The Peterka patent discloses dynamic security for digital television receivers, in which software applications are included with the television programs on different channels, the software applications being executed on receipt. In particular, Peterka discloses security arrangements for allowing execution by certain applications depending on data indicating the current environment of the receiver, such as time of day or date, parental lockout status, pay-per-view status, current viewer, current channel number selected, etc. (col. 8, lines 21-40).

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention includes the limitations "disabling execution of the application of the stream associated with the channel in response to the user selecting the channel" and "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel".

The Examiner has indicated that Peterka discloses these limitations and cites col. 8, lines 20-31, lines 53-61, col. 12, lines 40-65, col. 13, lines 10-47 and col. 15, lines 30-35.

Applicants believe that the Examiner is mistaken. in particular, while Peterka arguably discloses selectively blocking (or disabling) the execution of the application of the stream with the channel in response to the user selecting the channel, Applicant submits that Peterka et al. neither discloses nor suggests "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel".

In particular, col. 8, lines 21-30 merely discloses the AccessController of Peterka which checks whether an application has

the appropriate permission code. In col. 8, lines 53-61, Peterka merely describes that an application allowed to run on one channel may not be allowed to run when the user switches channels. However, the subject invention only relates to applications included with the television program on the selected channel. At col. 12, lines 40-65, Peterka describes the situation where changing channels sometimes leaves the same data application on, and sometimes does not, based on the security policy and the current state of the receiver; and blackout in dependence on Zip code. At col. 13, lines 10-47, Peterka describes that when the system includes major channels and associated sub-channels, an application relating to one of the sub-channels may be allowed to run when switching among the sub-channels of the particular main chasnnel. At col. 15, lines 30-35, Peterka states that the AccessController uses the concept of "context" and inherited context".

Applicants submit that it should be clear from the above portions of Peterka, and the remainder of Peterka, that there is no disclosure or suggestion of the limitation "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel".

The Blackketter et al. patent discloses a trigger having a time attribute, in which a trigger (or application) sent with a television signal, and is executed at a future time in accordance with an included time attribute.

The Examiner has indicated that Blackketter et al. discloses the limitation "disabling execution of the application of the stream associated with the channel in response to the user selecting the channel" and "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel", and cites col. 2, lines 25-36 and col. 8, line 50 to col. 9, line 16.

Again, Applicants submit that the Examiner is mistaken. In particular, Blackketter et al., at col. 2, lines 25-36, is merely describing prior art system in which a trigger running with regard to a channel ceases when the user switches to another channel and does not reexecute when the user switches back to the first channel. At col. 8, line 50, to col. 9, line 16, Blackketter et al. describes the condition where the trigger is reexecuted if the user switches back to the first channel within the lifespan of the trigger.

However, Applicants stress that there is no disclosure or suggestion in Blackketter et al. of the limitations "disabling execution of the application of the stream associated with the channel in response to the user selecting the channel" and "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel".

Claim 2 includes the limitation "a timer is reset in response to any user interaction with the receiving station, and

the enabling event comprises the timer reaching a predetermined timeout value".

The Yuen publication discloses a method and apparatus for gathering information regarding media user preferences, which discloses monitoring, for example, the amount of time a viewer spends, or does not spend, on a particular program or commercial.

However, Applicants submit that there is no disclosure or suggestion that the expiration of a predetermined amount of time after a user interaction with the receiving station should be indicative of the enabling event. Further, Applicants submit that Yuen does not supply that which is missing from either Peterka or Blackketter et al., i.e., "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel"

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-14, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613

Attorney
Tel.: 914-333-9611